JPME MAG

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 07 NOV 19 '07 MJ 2694

CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY: CP DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Rufino NARANJO-Torres,** Defendant	Magistrate Docket No. **COMPLAINT FOR VIOLATION OF:** Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **November 16, 2007** within the Southern District of California, defendant, **Rufino NARANJO-Torres,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **NOVEMBER, 2007**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Rufino NARANJO-Torres

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On November 16, 2007, Border Patrol Agent Hunt was performing line watch duties in the Chula Vista Border Patrol Station's area of responsibility. At approximately 3:50 a.m., the "56 Scope Site" broadcasted via bureau radio of four individuals attempting to further their illegal entry into the United States in an area known as "The Pole Line Road", this area is located approximately 150 yards north of the United States/Mexico International Boundary and approximately two miles east of the Otay Mesa, California Port of Entry. Agent Hunt responded to the area and discovered four individuals attempting to conceal themselves in the brush. Agent Hunt approached the four individuals and identified himself as a United States Border Patrol Agent and questioned them individually as to their citizenship and nationality. All four individuals, including one later identified as the defendant, Rufino, NARANJO-Torres, answered "Mexico." When asked if they had any immigration documents that would allow them to enter or remain in the United States, they all answered "No." At approximately 4:10 a.m., Agent Hunt placed all four individuals under arrest and had them transported the Chula Vista Border Patrol Station for further investigation and processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 15, 2007** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on November 17, 2007 at 9:30 A.M.

[signature]
Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **November 16, 2007,** in violation of Title **8**, United States Code, Section **1326**.

[signature]
Jan M. Adler
United States Magistrate Judge

11/17/07 @ 10:52 a.m.
Date/Time